

Private 'Bugging' Seen Cut by Law

By John P. MacKenzie

Washington Post Staff Writer

Attorney General John N. Mitchell testified yesterday that private electronic snoopers have become "practically extinct" because of the controversial 1968 law that permits federal agents to wiretap under court order.

"Because of the penalties involved," Mitchell told the Senate Criminal Laws Subcommittee, "the force of the federal law has practically run them out." The law punishes electronic eavesdropping without judicial approval with a maximum of five years in prison and \$10,000 fine, and severely curbs the manufacture of the listening equipment.

Mitchell gave this appraisal during a friendly exchange with subcommittee chairman John L. McClellan (D-Ark.), author of the wiretap law.

The ban on private wiretapping and bugging was initially sought by the Johnson administration, which wanted to outlaw official eavesdropping as well, except in "natural security cases." But McClellan pushed through a law coupling the private ban with a system of court-supervised eavesdropping for federal investigators.

Without elaboration, Mitchell and his aides claimed that a legal eavesdrop had intercepted conversation about a

murder plot and bank robbery, helping to save the intended victim's life and solve the holdup.

The attorney general added that in the same operation, agents were able to return a kidnap victim home unharmed. Justice Department officials said the case was "in litigation" and could therefore not be further identified.

Mitchell sparred for nearly an hour with Sen. Edward M. Kennedy (D-Mass.) over the administration's claims for success in the war on crime.

Kennedy also reminded Mitchell that presidential commissions on crime and violence both recommended federal firearms registration laws to cover states that didn't enact their own. He noted that the Justice Department had helped finance the work of the violence commission.

Mitchell said he would continue to refuse to press states to make weapons registration a part of the plans they must file to obtain federal money.